



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

To: The Monroe County Planning Commission

From: Joseph Haberman, Principal Planner *[Signature]*  
Ralph Goulby, Sr. Administrator of Environmental Resources

Through: Townsley Schwab, Acting Sr. Director of Planning & Environmental Resources *TS*

Date: July 3, 2008

Subject: *Request for an Amendment to a Minor Conditional Use Permit by Phantom of Key Largo Inc for property located at 106150 Overseas Highway (US 1), Key Largo, mile marker 106 (bayside), Real Estate No. 00535920.000000*

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**Meeting: July 23, 2008**

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I REQUEST:

The Applicant is proposing to redevelop Phantom Fireworks, an existing commercial retail business, located at 106150 Overseas Highway (US 1) on Key Largo. The proposed redevelopment plan involves the construction of a 2,475 ft<sup>2</sup> addition to the existing 7,500 ft<sup>2</sup> building and the renovation of the existing building, which would facilitate a combination of commercial retail and storage uses; the reconfiguration of the existing off-street parking area; and the carrying out several miscellaneous site improvements.



Subject Property, 106150 Overseas Highway, Key Largo (2006)

1  
2 Location:

- 3 1. Address: 106150 Overseas Highway (US 1), Key Largo, mile marker 106 (bayside)  
4 2. Legal Description: Block 7, Lots 15-18 & 45-48, Lake Surprise Estates, PB4-162  
5 3. Real Estate Number: 00535920.000000  
6

7 Applicant:

- 8 1. Owner: Phantom of Key Largo, Inc.  
9 2. Agent: Arthur Einzig, B. J. Alan Company  
10 Daryle Osborn, Keys Engineering Services, Inc.  
11

12 II PROCESS:  
13

14 Pursuant to §9.5-62 & §9.5-68 of the Monroe County Code (MCC), the Director of Planning  
15 & Environmental Resources, in accordance with the procedures, standards and limitations of  
16 Article III of Chapter 9.5 Land Development Regulations and subject to such rights of appeal  
17 as are provided, may approve applications for minor conditional use permits. Within ten (10)  
18 working days after receiving the report and recommendation of the Development Review  
19 Committee (DRC), the Director shall render a development order granting, granting with  
20 conditions, or denying the application for a minor conditional use permit.  
21

22 If requested by the Applicant, an adjacent property owner, an aggrieved or adversely affected  
23 person, or any resident or real property owner, a public hearing concerning the application  
24 shall be conducted by the Monroe County Planning Commission in accordance with the  
25 provisions of MCC §9.5-521(e).  
26

27 III RELEVANT PRIOR COUNTY ACTIONS:  
28

29 Building Permit C-20671, issued on September 30, 1986, approved the construction of a  
30 7,500 ft<sup>2</sup> retail building on the property. Subsequently, several building permits have been  
31 issued for improvements to the property.  
32

33 The Applicant applied for a minor conditional use permit in order to redevelop the property  
34 on April 4, 2008 and the application was heard by the DRC on May 19, 2008. Prior to the  
35 DRC meeting, Assistant Fire Marshal, Arthur Romero, reviewed the project and provided a  
36 memo on May 2, 2008 recommending denial of the conditional use permit in that the  
37 proposed redevelopment would create an unnecessary risk to residents and visitors of the  
38 surrounding area. In addition, the Assistant Fire Marshal, a member of the DRC, also voiced  
39 his concerns at the May 19, 2008 DRC meeting and requested that the application be decided  
40 upon by the Planning Commission at a public hearing. Out of respect for the concerns of the  
41 Assistant Fire Marshal, Staff scheduled the application for approval or denial by the Planning  
42 Commission at a public hearing, in accordance with MCC §9.5-68(f).  
43

44 IV BACKGROUND INFORMATION:  
45

- 46 A. Size of Site: 40,000 ft<sup>2</sup> (0.92 acres)

- B. Land Use District: Sub Urban Commercial (SC)
- C. Future Land Use Map (FLUM) Designation: Mixed Use / Commercial (MC)
- D. Tier Designation: Tier III
- E. Flood Zone: AE – EL 9
- F. Existing Use: Commercial retail
- G. Existing Vegetation / Habitat of Site: Developed with some vegetation along perimeter
- H. Community Character of Immediate Vicinity: Mixed Use, residential and commercial

V REVIEW OF APPLICATION:

MCC §9.5-65 provides the standards which are applicable to all conditional uses. When considering applications for a conditional use permit, the Planning Commission shall consider the extent to which:

- A. *The conditional use is consistent with the purposes, goals, objectives and standards of the comprehensive plan and the land development regulations:*

The proposed development is consistent with the purposes, goals, objectives and standards of the MC future land use category and the SC District.

Policies from the Monroe County Year 2010 Comprehensive Plan that directly pertain to the proposed development include:

1. Policy 101.4.5: The principal purpose of the MC land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.
2. Policy 101.5.3: In order to encourage a compact form of non-residential growth, the Permit Allocation System shall limit and direct new non-residential development primarily to areas designated as Tier III under Goal 105 not located within a designated Special Protection Area and provide incentives for redevelopment of existing developed and vacant infill sites.

Strategies and Action Items from the Key Largo community Master Plan that directly pertain to the proposed development include:

The subject property is located within the Welcome Center overlay district, as shown in Figure 6 of the Key Largo Community Master Plan.

1. Strategy 1.4: Designate the Community Center and focal areas as identified by the Key Largo community during the master planning process. Adopt these areas as regulatory overlays of the Land Use District Map.

2. Action Item 1.4.3: Amend the MCC to adopt an overlay district for the Welcome Center according to the boundaries shown in Figure 6. The following Land Development Regulations shall apply to development within the Welcome Center: a) Commercial retail high intensity uses that generate more than 150 trips per one thousand square feet of floor area shall not be allowed; b) outdoor storage and outdoor retail sales as a principal use shall not be allowed; and c) create and adopt, as part of the MCC, design and development guidelines for the Welcome Center Identity Center overlay district.

*B. The conditional use is consistent with the community character of the immediate vicinity:*

US 1 serves as a commercial corridor in this area of Key Largo and a commercial building has existed on the property since 1988. Therefore, the proposed development would be consistent with the community character of the immediate vicinity.

*C. The design of the proposed development minimizes adverse effects, including visual impacts, on adjacent properties:*

The proposed building addition would be in context with the existing building and an existing canopy, which is non-conforming to the setback requirements, shall be removed. In addition, as part of the redevelopment, additional open space, trees and other landscaping elements shall be introduced to the site. Currently, the site has minimal vegetation and is non-conforming to the open space and landscaping requirements. Therefore, the proposed development minimizes adverse effects, including visual impacts, on adjacent properties.

*D. The proposed use will have an adverse impact on the value of surrounding properties:*

It is not anticipated that the proposed development will have an adverse impact on the value of the surrounding properties.

*E. Adequacy of public facilities and services:*

1. Roads:

*Localized Impacts & Access Management:* Access to the development would be from an existing drive from US 1, which is asphalt and 24 feet in width. In addition, additional emergency access would be from an existing, gated drive from Largo Road, which is asphalt and 24 feet in width. The Applicant shall coordinate with the Florida Department of Transportation (FDOT) to determine compliance with their access requirements. The Applicant requested a letter of coordination from FDOT on March 12, 2008. To date, FDOT has not issued a letter of coordination.

The County's Traffic Consultant, Raj Shanmugam, reviewed the site plan and provided comments regarding the access management in a letter dated May 5, 2008.

1 Prior to any approval, he requests that sight triangles and vehicle maneuverability be  
2 presented on the site plan.

3  
4 *Level of Service (LOS):* A traffic impact report states that US 1 has adequate reserve  
5 capacity to accommodate the trips generated from the proposed development. The  
6 County's Traffic Consultant, Raj Shanmugam, reviewed the traffic impact report and  
7 concurred with the findings concerning trip generation in a letter dated May 5, 2008.  
8

9 2. Stormwater: The Applicant shall coordinate with the County Engineer and/or South  
10 Florida Water Management District (SFWMD) to determine compliance with MCC  
11 §9.5-293. The Applicant submitted a landscape & drainage Plan and requested a  
12 letter of coordination from the County Engineer on March 12, 2008. To date, the  
13 County Engineer has not issued a letter of coordination or provided any comments on  
14 the drainage plan.  
15

16 3. Sewer: The Applicant shall coordinate with the Florida Department of Health and  
17 Key Largo Wastewater Treatment District to determine compliance with MCC §9.5-  
18 294. The Applicant requested a letter of coordination from the Monroe County  
19 Department of Health and Key Largo Wastewater Treatment District on March 12,  
20 2008. To date, the Monroe County Department of Health and Key Largo Wastewater  
21 Treatment District have not issued letters of coordination.  
22

23 4. Emergency Management: The Applicant shall coordinate with the Office of the Fire  
24 Marshal to determine compliance with the Florida Fire Prevention Code, the Florida  
25 Building Code, the National Fire Protection Code and the Life Line Safety Code.  
26 Assistant Fire Marshal, Arthur Romero, reviewed the project and provided a memo  
27 on May 2, 2008 recommending denial of the conditional use permit in that the  
28 proposed redevelopment would create an unnecessary risk to residents and visitors of  
29 the surrounding area. In addition, Key Largo Volunteer Fire Rescue Department Fire  
30 Chief, Sergio Garcia, reviewed the project and in a letter dated April 16, 2008,  
31 provided comments regarding his Department's strong opposition to the proposed  
32 development.  
33

34 F. *The Applicant has the financial and technical capacity to complete the development as*  
35 *proposed:*  
36

37 Staff has no evidence to support or disprove the Applicant's financial and technical  
38 capacity.  
39

40 G. *The development will adversely affect a known archaeological, historical or cultural*  
41 *resource:*  
42

43 The proposed development will not adversely affect a known archaeological, historical or  
44 cultural resource.  
45

1 H. *Public access to public beaches and other waterfront areas is preserved as part of the*  
2 *proposed development:*

3  
4 Public access means the ability of the public to physically reach, enter or use beaches and  
5 shores. The property is land-locked. Therefore, the proposed development will not have  
6 an adverse impact on public access to a waterfront area.

7  
8 I. *The project complies with all additional standards imposed on it by the Land*  
9 *Development Regulations:*

10  
11 1. Residential Rate of Growth Ordinance (ROGO) (§9.5-120): *In compliance.*

12  
13 No residential dwelling units are existing or proposed.

14  
15 2. Non-Residential Rate of Growth Ordinance (NROGO) (§9.5-124): *In compliance*  
16 *following the receipt of required NROGO permit allocation(s).*

17  
18 The NROGO shall not apply to the redevelopment, rehabilitation or replacement of  
19 any lawfully-established non-residential floor area which does not increase the  
20 amount of non-residential floor area greater than that which existed on the site prior  
21 to the redevelopment, rehabilitation or replacement.

22  
23 Building Permit C-20671 approved the construction of a 7,500 ft<sup>2</sup> retail steel building  
24 on the property. Therefore, 7,500 ft<sup>2</sup> of non-residential floor area is lawfully-  
25 established on the property.

26  
27 The proposed redevelopment would include the addition of 2,475 ft<sup>2</sup> of non-  
28 residential floor area, thus establishing a new total of 9,975 ft<sup>2</sup>:

29  
30 The 2,475 ft<sup>2</sup> of additional non-residential floor area will have to be acquired through  
31 the NROGO permit allocation system.

32  
33 3. Purpose of the SC District (§9.5-206): *In compliance.*

34  
35 The proposed development would be consistent with the purpose of the SC District.  
36 The purpose of the SC District is to establish areas for commercial uses designed and  
37 intended primarily to serve the needs of the immediate planning area in which they  
38 are located.

39  
40 4. Permitted Uses (§9.5-235): *In compliance following the receipt of required*  
41 *conditional use permit.*

42  
43 In total, the proposed development shall consist of 9,975 ft<sup>2</sup> of non-residential floor  
44 area, which would facilitate a combination of commercial retail and storage uses.  
45

1 The findings of the traffic impact report indicate that the proposed commercial retail  
2 use would be classified as low-intensity (low-intensity commercial retail uses  
3 generate less than 50 average daily trips per 1,000 ft<sup>2</sup> of floor area). The analysis  
4 states that the proposed redevelopment would generate 405 daily trips. According to  
5 that finding, the proposed development would generate 41 average daily trips per  
6 1,000 ft<sup>2</sup> of floor area.

7  
8 In the SC District, low and medium intensity commercial retail uses of greater than  
9 2,500 ft<sup>2</sup> but less than 10,000 ft<sup>2</sup> of floor area may be permitted with minor  
10 conditional use permit approval, provided that there is access to US 1 by way of a) an  
11 existing curb cut; b) a signalized intersection; or c) a curb cut that is separated from  
12 any other curb cut on the same side of US 1 by at least 400 feet.

- 13  
14 5. Residential Density and Maximum Floor Area Ratio (§9.5-262, §9.5-267 & §9.5-  
15 269): *In compliance.*

16  
17 In the SC District, the maximum floor area ratio (FAR) for low-intensity commercial  
18 retail is 0.35.

19  
20 Land Use Intensity:

21

Land Use	FAR	Size of Site	Max Allowed	Proposed	Potential Used
Commercial Retail - Low Intensity	0.35 FAR	40,000 ft <sup>2</sup>	14,000 ft <sup>2</sup>	9,975 ft <sup>2</sup>	71.3 %

- 22  
23 6. Required Open Space (§9.5-269 & §9.5-347): *In compliance.*

24  
25 In the SC District, there is a required open space ratio of 0.20. Therefore, at least 20  
26 percent of the site must remain open space.

27  
28 According to the boundary survey, the property consists of 40,000 ft<sup>2</sup> of upland area.  
29 Therefore, at least 8,000 ft<sup>2</sup> of the total land area must remain open space. The site  
30 plan indicates that there would be 8,331 ft<sup>2</sup> of open space area.

- 31  
32 7. Minimum Yards (§9.5-281): *In compliance to the greatest extent practical.*

33  
34 The required non-shoreline setbacks in the SC District are as follows: Front yard – 25  
35 feet; Rear yard – 10 feet; and Side yard – 10/15 feet.

36  
37 The property has required front yard setbacks of 25 feet along the right-of-way of US  
38 1 and the right-of-way of Largo Road, a required side yard setback of 5 feet from the  
39 northeastern property line and a required side yard setback of 10 feet from the  
40 southwestern property line. Since there are two front yard setback requirements and  
41 the building fronts US 1, the property has no rear yard setback requirement.  
42

1 According to the boundary survey, there is an existing concrete slab, which is covered  
2 by a canopy, and a concrete slab/emergency generator in the required front yard  
3 setback along Largo Road and an existing wastewater system in the required front  
4 yard setback along US 1. In addition, the existing asphalt drive and parking area is  
5 non-conforming to all of the required setbacks.  
6

7 The site plan indicates that the proposed building addition would be in compliance  
8 with the setback regulation. In addition, the existing, non-conforming canopy and  
9 concrete slab underneath would be removed. The existing, non-conforming  
10 emergency generator and wastewater system would remain, but would not be  
11 improved or expanded. The existing, non-conforming parking area would be brought  
12 into compliance with the front yard setback regulation along Largo Road and side  
13 yard setback regulations. However, the reconfigured access drive and a proposed  
14 parking space (no. 1) would be within the required front yard setback along US 1.  
15 Staff has found that the emergency generator, wastewater system, parking area, and  
16 access drive and shall be brought into compliance to the greatest extent practical.  
17

18 Note: As shown on the initial site plan submitted with the application, a proposed  
19 bike rack was shown in the required front yard setback along US 1 and a proposed  
20 platform/stairway was shown in the required front yard setback along Largo Road.  
21 At the May 19, 2008 DRC meeting, Staff stated their concerns with these proposed  
22 structures. Following the meeting, the Applicant relocated the proposed bike rack  
23 and removed the proposed platform/stairway on a revised site plan.  
24

- 25 8. Maximum Height (§9.5-283): *Full compliance to be determined upon submittal to*  
26 *Building Department.*  
27

28 The building elevations indicate that the building height would be approximately 21  
29 feet (from finish floor, 1012.2 ft, to top new parapet, 1033.2 ft).  
30

31 Average grade is not shown on the building elevations. Any approval shall be  
32 conditioned that prior to the issuance of a building permit, average grade shall be  
33 shown on the building elevations so that Staff can confirm that the proposed building  
34 will be in compliance with MCC §9.5-283.  
35

- 36 9. Surface Water Management Criteria (§9.5-293): *Compliance to be determined by the*  
37 *County Engineer and/or SFWMD prior to issuance of a building permit.*  
38

- 39 10. Wastewater Treatment Criteria (§9.5-294): *Compliance to be determined by Florida*  
40 *Department of Health or Florida Department of Environmental Protection prior to*  
41 *the issuance of a building permit.*  
42

43 An existing wastewater treatment system is shown on the site plan. All on-site  
44 wastewater treatment facilities shall comply with the minimum requirements of the  
45 Florida Administrative Code. Any redevelopment would require coordination with  
46 the Florida Department of Health if wastewater flows are less than or equal to 5,000



gallons per day or with the Florida Department of Environmental Protection if wastewater flows exceed 5,000 gallons per day.

**11. Fencing (§9.5-309): *Compliance to be determined by Planning Commission.***

There is an existing chain-link fence along the perimeter of the site. The site plan shows that the existing chain-link fence would remain along the side yard and US 1 property lines, but a new chain-link fence with vinyl inserts would be installed along the Largo Road property line.

Due to the nature of the business and the visual impact of a large commercial building, at the May 19, 2008 DRC meeting, Staff requested that the existing chain-link fence along the Largo Road property line be removed and replaced with a solid fence or wall in order to screen the residences on the adjacent properties to the North from the development. This wall solid fence or wall shall be placed between the required buffer-yard and the building. Following the meeting, the Applicant submitted a revised site plan which showed a proposed chain-link fence with vinyl inserts, not a solid structure as strongly recommended by Staff.

**12. Floodplain Management (§9.5-316 & §9.5-317): *Compliance to be determined upon submittal to Building Department.***

The site is designated within AE – EL 9 flood zone on the Federal Emergency Management Agency (FEMA)'s flood insurance rate maps. All new structures must be built to floodplain management standards that meet or exceed those for flood protection. New construction of any non-residential structure within an AE flood zone shall have the lowest floor elevated to or above base flood level, or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is water-tight.

**13. Energy Conservation Standards (§9.5-326): *In compliance.***

The development proposal includes the installation of native plants, which will reduce the requirements for water and maintenance; the installation of several shade trees, which will provide shade for plaza and parking areas; the provision of structural shading; and the provision of a bike rack.

**14. Potable Water Conservation Standards (§9.5-327): *Compliance to be determined upon submittal to Building Department.***

**15. Required Parking (§9.5-352): *In compliance.***

The redevelopment proposal would be subject to the following off-street parking requirements:

Required Parking:

Specific Use	Multiplier	Proposed	Required Spaces
Commercial Retail	3 spaces / 1,000 ft <sup>2</sup>	9,975 ft <sup>2</sup>	29.9 spaces
Total Required			30 spaces

According to the site plan, 31 off-street parking spaces would be provided.

*Handicap Parking:* According to the site plan, two (2) of the off-street parking spaces provided would be handicap only. This is compliant with the 2004 Florida Accessibility Code for Building Construction, which states that if 26 to 50 parking spaces are provided, 2 spaces are required to be accessible handicap parking only.

*Bicycle/Scooter Parking:* The proposal includes one (1) bike rack.

16. Required Loading and Unloading Spaces (§9.5-354): *In compliance.*

All non-residential uses with 2,500 ft<sup>2</sup> to 49,999 ft<sup>2</sup> of floor area are required to have one (1) loading and unloading space, measuring 11 feet by 55 feet. One (1) loading/unloading space, measuring 11 feet by 55 feet, is provided.

17. Required Landscaping (§9.5-361, §9.5-362, §9.5-363 & §9.5-364): *In compliance.*

Since the parking area is to contain six (6) or more spaces, a class-A landscaping standard is required. According to the landscape and drainage plan, a class-A landscaping standard would be provided.

18. Required Buffer-yards (§9.5-377, §9.5-378 & §9.5-379): *In compliance to the greatest extent practical.*

A class-C major street buffer-yard is required along the US 1 property line. According to the landscape and drainage plan, a class-C buffer-yard would be provided; however it does not meet the minimum width of 10 feet. Due to the location of the existing building and access drive, Staff has found that the major street buffer-yard shall be brought into compliance to the greatest extent practical.

A class-B district land use district buffer-yard is required along the Largo Road property line (the adjacent properties to the North are designated as Urban Residential Mobile Home (URM)). According to the landscape and drainage plan, a class-B buffer-yard would be provided.

19. Outdoor Lighting (§9.5-391, §9.5-392 & §9.5-393): *Compliance to be determined upon submittal to Building Department.*

20. Signs (§9.5-404 & §9.5-405): *Compliance to be determined upon submittal to Building Department.*

1  
2 No new signage has been formally proposed at this time.  
3

4 21. Access Standards (§9.5-421 & §9.5-427): *Compliance to be determined by Florida*  
5 *Department of Transportation prior to the issuance of a building permit.*  
6

7 22. Traffic Study (§9.5-426): *In compliance.*  
8

9 The traffic impact report indicated that there is adequate traffic capacity for the  
10 development and its findings were approved by the County's traffic consultant.  
11

12 23. Clear Sight Triangle (§9.5-427): *Compliance to be determined upon submittal to*  
13 *Building Department.*  
14

15 The County's traffic consultant reviewed the site plan and provided comments  
16 regarding the access management. Prior to any approval, he requests that sight  
17 triangles be presented on the site plan.  
18

19 24. Chapter 533, Florida Statutes: *Full compliance to be determined upon submittal to*  
20 *Building Department.*  
21

22 According to the floor plan, the existing building and proposed addition appear to be  
23 handicap accessible. If not already in compliance, Staff shall request that the existing  
24 building be brought into full compliance with the accessibility requirements of the  
25 ADA. Also, the proposed addition shall be constructed in full compliance.  
26

27 The two (2) handicap parking spaces are located in proximity to the entrance and  
28 have a shared access aisle of five (5) feet. The handicap parking spaces are required  
29 to be 12 feet in width and 20 feet in length.  
30

31 Note: On the initial site plan submitted with the application, the handicap parking  
32 spaces were shown as 9 feet in width and 18 feet in length. Staff stated their concerns  
33 with the width of the spaces and requested that the spaces (nos. 1 and 2) be relocated  
34 to closer proximity to the entrance so that disabled persons do not have to cross traffic  
35 to enter the building. At the May 19, 2008 DRC meeting, the Applicant agreed to  
36 adjust the dimensions of the spaces, but explained that the sloping grade of the site  
37 would prohibit the siting of the spaces anywhere but their proposed location. After  
38 reviewing the boundary survey, Staff concurred with the Applicant and requested that  
39 the Applicant take measures to ensure that disabled persons can safely cross the  
40 parking area, including a non-steep and pervious pathway, preferably marked, to the  
41 entrance of the building. Following the meeting, the Applicant adjusted the widths of  
42 the spaces on a revised site plan.

1 VI RECOMMENDED ACTION:

2  
3 As of the date of this report, Staff has not received comments from the Office of the Fire  
4 Marshal concerning life safety plans that the Applicant agreed to submit following the May  
5 19, 2008 DRC meeting. If found necessary, Staff reserves the right to amend its  
6 recommendation or request additional conditions at the public hearing by the Planning  
7 Commission.

8  
9 Staff recommends APPROVAL to the Planning Commission if all the following conditions  
10 are met:

- 11  
12 A. This approval is for the storage and commercial retail sales of fireworks and  
13 associated products only. There shall be no manufacture of fireworks on site. There  
14 shall be no outdoor sales or outdoor storage, including storage within trailers, on site.  
15  
16 B. There shall be no discharge of any fireworks on site.  
17  
18 C. The property owner shall coordinate with the Office of the Fire Marshal in order  
19 demonstrate full compliance with the Florida Fire Prevention Code, the Florida  
20 Building Code, the National Fire Protection Code and the Life Line Safety Code. If  
21 requested by the Office of the Fire Marshal, the property owner shall educate  
22 customers about the regulations pertaining to the lawful and safe discharge of  
23 fireworks.  
24  
25 D. The emergency access drive from Largo Road shall only be used in the event of an  
26 emergency.  
27  
28 E. The existing chain-link fence along the Largo Road property line shall be removed  
29 and replaced permanently with a solid fence or wall, located between the required  
30 buffer-yard and building, in order to screen the residences on the adjacent properties  
31 from the development.  
32  
33 F. Prior to the issuance of a resolution, Staff requests that the site plan be revised to  
34 show the location of a new solid fence or wall, not a new chain-link fence as shown  
35 on Site Plan (SP-1) by Louis A. Zarlenga & Associates, LLC, dated May 20, 2008.  
36  
37 G. Prior to the issuance of a building permit, the Applicant shall demonstrate that all  
38 standards and requirements of the Americans with Disabilities Act (ADA) shall be  
39 met.  
40  
41 H. Prior to the issuance of a building permit, average grade shall be shown on the  
42 building elevations so that Staff can confirm that the proposed building will be in  
43 compliance with MCC §9.5-283.  
44  
45 I. Prior to the issuance of a building permit, the Applicant shall submit a revised site  
46 plan showing the locations of sight triangles and vehicle maneuverability.

1  
2 J. Prior to the issuance of a building permit, the Applicant shall receive all required  
3 permits and approvals from the South Florida Water Management District, Florida  
4 Department of Health and the Florida Department of Transportation.  
5

6 K. Prior to the issuance of a building permit, the proposed development and buildings  
7 shall be found in compliance by the Monroe County Building Department, the  
8 Monroe County Floodplain Administrator, the Monroe County Engineer and the  
9 Monroe County Office of the Fire Marshal.  
10

11 L. Prior to the issuance of a building permit, the 2,475 ft<sup>2</sup> of new non-residential floor  
12 area will have to be acquired through the Non-Residential Rate of Growth Ordinance  
13 (NROGO) permit allocation system.  
14

15 VII PLANS REVIEWED:  
16

17 A. Site Plan (SP-1) by Keys Engineering Services, Inc, dated April 2, 2008 (*submitted with*  
18 *initial application*);

19 B. Site Plan (SP-1) by Louis A. Zarlenga & Assoc., LLC, dated May 20, 2008 (*revised for*  
20 *planning commission meeting*);

21 C. Landscape & Drainage Plan (SP-2) by Keys Engineering Services, Inc, dated April 2,  
22 2008 (*submitted with initial application*);

23 D. Landscape & Drainage Plan (SP-2) by Louis A. Zarlenga & Assoc., LLC, dated May 20,  
24 2008 (*revised for planning commission meeting*);

25 E. First Floor Plan (A-1.01) by Louis. A. Zarlenga & Assoc., LLC, dated February 20, 2008  
26 (*submitted with initial application*);

27 F. First Floor Plan (A-1.01) by Louis. A. Zarlenga & Assoc., LLC, dated June 19, 2008  
28 (*revised for planning commission meeting*);

29 G. Exterior Elevations (A-3.01) by Louis. A. Zarlenga & Assoc., LLC, dated February 20,  
30 2008 (*submitted with initial application*);

31 H. Exterior Elevations (A-3.01) by Louis. A. Zarlenga & Assoc., LLC, dated June 19, 2008  
32 (*revised for planning commission meeting*);

33 I. Boundary & Topographic Survey by Lawrence P. Frank, dated March 26, 2008; and

34 J. Level II Traffic Study by Crossroads Engineering Data, Inc, dated March 2008